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ABSTRACT

Developing countries have addressed the problem of unequal world information flow by proposing the New World Information Order (NWIO), a set of guidelines suggesting a framework for the establishment of more equitable flow of information. Although the unanimous adoption of the 1980 NWIO resolution by Unesco has done much to legitimize Third World demands, the resolution has no legally binding force and it is unlikely that the developed countries will readily give up their superior position in the flow of information. Incorporating the NWIO principles into the body of international law would be one way to compel the developed nations to cooperate with Third World countries in establishing the NWIO. The resolution could become international law if (1) its principles become the actual practice of states over a period of time, (2) bilateral treaties based on the resolution are created between nations, or (3) a convention--an intergovernmental treaty based on the resolution--is passed and ratified by member states. Developed countries are likely to benefit whether they obey or disobey future NWIO laws, but by broadening their perception of self-interest (i.e., by recognizing those concerns in which the good of lesser nations is also the good of developed nations) they may become willing to observe NWIO principles. Strategies for Third World countries to gain strength in information-related resources might make a crack in the existing information flow, at which time developed nations may be more ready to cooperate in establishing an equitable flow of information. (HTH)

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International Law and the New World Information Order

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INTERNATIONAL LAW AND THE NEW WORLD INFORMATION ORDER

Recently, Third World leaders have expressed objections to the socio-cultural relationships that exist between developed and developing countries. They argue that the relationships have been characterized by sociocultural domination by developed countries since the colonial era. India's Prime Minister Indira Gandhi defined the problem clearly in her inaugural address to the 1976 conference of Non-Aligned countries held in New Delhi (Dihn, 1979:268). She said:

> In spite of political sovereignty, most of us who have emerged from a colonial or semi-colonial past continue to have rather unequal cultural and economic relationship with our former overlords.

One major concern for developing countries is the world flow of information which runs predominantly from developed to developing countries.[1]

Research has shown that the concerns of developing countries may be well-founded. For example, Lee (1980) found that of the 57 developing countries he studied, 39 of them imported at least 50% of their television programming. A report by the International Commission for the Study of Communication Problems (known as the MacBride Commission) reveals that the world receives about 80% of its news through news agencies in New York, London and Paris (UNESCO, 1980:146).

Developing countries have addressed the problem of unequal world information flow by proposing, in the context of the United Nations Educational, Scientific and Cultural Organization (UNESCO), a New World Information Order (NWIO), a set of guidelines which suggest a framework for the establishment of equal flows of information between developed and developing countries.

Some of the basic issues associated with the call for a NWIO are cultural imperialism, concentration of ownership of the means of communication, control of international mass media by transnational corporations (TNCs), qualitative and quantitative imbalances in the world news flow, inegalitarian allocation of the radio spectrum and geostationary satellite orbits and the uses of direct broadcast satellites (DBS).[2] After much debate and compromise, the UNESCO member states at the 21st General Assembly held in 1980 in Belgrade, Yugoslavia, unanimously adopted a resolution which set out the aims and principles of the NWIO.

The unanimous adoption of the 1980 NWIO resolution has done much to legitimize Third World demands for a NWIO. But developing countries attempting to improve their unsatisfactory information-related relationships with developed countries, still face a major obstacle: it is unlikely that the developed countries will readily give up their superior position over the world flow of information. One reason for this is that the 1980 NWIO resolution does not have any legally binding force. Therefore, the developed countries have no obligation to help set in place a NWIO.

How then, can developed countries be compelled to cooperate with developing countries in establishing a NWIO? How can they be compelled to adopt policies consistent with the NWIO principles -- policies that would require developed countries to curtail the activities of TNCs based within their borders, to actively seek out materials from developing countries for use at home and perhaps relinquish preferred radio spectrum and geostationary orbital slots? One step in that direction would be the incorporation of the principles of the NWIO resolutions into the body of international law. One purpose of this study, therefore, is to examine the ways in which the principles of the NWIO can become international law.

Because the NWIO principles as international law can be effective only if they are obeyed, the second purpose of this study is to examine whether or not nations can be expected to obey international law regarding the NWIO. In other words, what characteristics of international law may compel developed countries to follow principles of the NWIO? A corollary question related to this purpose is what developing countries can do to make international law work for them in establishing a NWIO. Thus, the third purpose of this study is to examine ways developing countries can use characteristics of international law to help establish a NWIO.

Before addressing these questions directly, a general discussion of international law and a more specific discussion of existing international law concerning world information flow will be useful for understanding the issues involved. Then a brief review of the NWIO debate and the major actors in the debate will be presented. The next section will address how the NWIO principles can become international law and whether nations can be expected to obey the law. Finally, some suggestions will be made about how developing countries can make international law work for them in establishing a NWIO.

International Law and World Information Flow

Hedley Bull defines international law as "a body of rules that binds states and other agents in world politics in their relations with one another and is considered to have the status of law" (Bull, 1977:127). This definition points out two important characteristics of international law. First, international law consists only of those rules which are "considered to have the status of law" through consensual agreement of states. Most existing international law is based on agreements made by European and North American states and in recent times many of these rules of international law have been challenged on the grounds that the rules are Americo- and Eurocentric (Von Glahn, 1978:23). Second, since international law consists only of rules

that states accept has having the binding force of law, there is no centralized authority to enforce international law. Most states generally obey international law however, because they are driven by economic, political, cultural or military needs to seek aid and other benefits from other states. And if a state

> tries to take those benefits by force, it will unite other states against it in a defensive alliance. If it tries to obtain benefits by peaceful means, it will have to give something in return. And in order to 'do business' with it, it will have to acquire the reputation of being trustworthy and lawabiding (Akehurst, 1982:10).

Sanctions for the violation of international law are applied by the states themselves according to the principle of self-help. States that violate international law may suffer retorsions, legal but unfriendly acts, reprisals, illegal and unfriendly acts or, at the extreme, war. In order to avoid sanctions, therefore, developed countries are more likely to obey NWIO principles if they were part of the body of international law.

The rules of international law are neither complete nor well-enforced. International law consists of "some national rules, some international rules, some private rules -- and large areas of no rules at all" (Strange, 1975:219). Networks of rules are governing arrangements which are called international regimes. Regimes regulate "issue areas" within which states pursue their interests and stronger states dominate the weaker states and determine the rules of the regime. One such issue area in contemporary international relations is the world flow of information.

Elements of the regime regulating the world flow of information were determined by North American states, West European states and the Soviet bloc states in the post WW II period while most Asian, African, and Latin American countries were either colonies or under heavy colonial influence.

Therefore, the latter had no voice in establishing the international regime regulating world information flow. It is not surprising to find, then, that North American and West European states and the Soviet bloc (the developed countries) are the dominant states and the Asian, African and Latin American countries (the developing countries) are the weaker states in the world information flow issue area. In the following section, some examples from the existing regime regulating world information flow will be presented.

Radio frequency allocation. The International Telecommunications Union (ITU), the international body charged with radio frequency allocation responsibilities, has traditionally treated the radio spectrum as res communis (the notion that a resource is common property and subject to exploitation by any party capable of doing so) and frequencies have been allocated on a first-come, first-served basis.[3] The result has been that developed countries, which generally had the technology to stake early claims on prime frequencies (while developing countries were still colonies) have congested the spectrum to the point that developing countries have access to only about 10 percent of the radio spectrum (MacPhail, 1981:152).

Satellite Communications. The ITU also oversees the allocation of orbital slots for communication satellites of all types. The most preferred orbital slots are at an altitude of 22,300 miles above the equator in geostationary orbits. At this altitude, the satellite orbits the earth at the same speed the earth rotates so the satellite appears to hover over one area on earth, thus providing efficient and continuous communication services for a large area on earth. Geostationary orbital slots are most desirable but the number of slots at an altitude of 22,300 miles above the equator are limited (Rothblatt, 1982:56). Presently, the geostationary orbit is by no means congested but the developed countries which have satellite technology and rocket launching facilities dominate the use of geostationary orbital slots. Thus, the same

problem exists in the area of geostationary orbital slots as in the area of radio frequency allocation; the resources are limited and the most technologically powerful countries (the developed countries) currently dominate their use.[4] If this trend continues, the developing countries will have access to a disproportionately small percentage of geostationary orbital slots. However, the developing countries have already taken steps to try and prevent this. In 1979 at the World Administrative Radio Conference (WARC), the conference held every 20 years to review international telecommunications, the participants approved Resolution BP which called for a special WARC to be convened in 1984 to "guarantee in practice for all countries access to the geostationary-satellite orbit. . ."[5] It remains to be seen whether this resolution will result in equitable access to geostationary orbital slots for developing countries.

Telecommunication tariffs. Because telecommunication systems in the developed countries are almost always more sophisticated and dependable than those in developing countries, the rate of use of telecommunication services in developed countries is almost always higher than in developing countries. Thus, there is more telecommunication traffic in developed countries than in developing countries. As a result, telecommunication firms or agencies generate enough revenue to allow them to keep telecommunication tarriffs relatively low. In developing countries, where telecommunication infrastructures are underdeveloped, telecommunication tariffs are relatively higher. The more economical telecommunication rates in developed countries favors the transmission of information from these areas, while the higher rates in developing countries hinder the transmission of information from these areas (Pool and Dizard, 1978). The structure of world telecommunication tariffs is another reason that the world information flows mainly from developed to developing countries.[6]

The free flow of information doctrine. UNESCO'S position on the free flow of information doctrine is also the dominant one in the world information flow issue area. The UNESCO Constitution states that the organization will promote "The free exchange of ideas and knowledge" (Ploman, 1982:71). In 1948, at its third session, UNESCO adopted the "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character." This instrument promoted the "free flow of ideas by word and image" (Ploman, 1982:144). At UNESCO's fifth conference in 1950, it adopted the "Agreement on the Importation of Educational, Scientific and Cultural Materials." This instrument was also designed to promote the "Free exchange of ideas and knowledge" (Ploman, 1982:146). Another UNESCO document dealing with the free flow of information was not adopted for twenty-six years. At its 19th General Assembly in 1976, UNESCO adopted the "Protocol to the Agreement on the Importation of Educational, Scientific and Cultural Materials." The goal of this instrument was "lowering customs barriers and reducing other economic restrictions that impede the exchange of ideas and knowledge" (Ploman, 1982:150).

Thus it is apparent thatfrom its early, formative years, one of UNESCO's purposes has been to propagate the free flow of information doctrine. This orientation reflected the Western influence in the organization -- an influence which was enhanced by the Soviet Boycott of UNESCO until 1954 (Gunter, 1979:26). Today the free flow of information doctrine has little meaning to states that do not have the means to communicate effectively on an international or national scale. And, although in theory, the free flow doctrine means little to Soviet bloc countries, the Soviet mass media enjoy freedom to gather and disseminate information world wide.[7] Thus the free flow of information doctrine favors those with strong means of communications (the developed countries) and hurts those with weaker means of communications (the developing countries).

The NWIO: The Debate and the Actors

In 1970, at the 16th UNESCO General Conference, developing countries emphasized, under the leadership of the Indian delegation, their concern with the problem of imbalanced world information flow. This marked the first time states officially expressed concern in UNESCO with the problems associated with the world information flow and it marked the beginning of the debate over a NWIO. In 1972 at the 17th General Conference, the Soviet Union sponsored a resolution which directed UNESCO Director-General Amadou Mather M'Bow to prepare a declaration on "the fundamental principles governing the use of the mass media with a view to strengthening peace and understanding and combatting propaganda, racialism and apartheid." This became known as the Mass Media Declaration. Developing countries strongly supported the resolution because it asked for a clear statement of the world information flow problem and for solutions for it. And it should be noted here that because the Soviet Union took the initiative in this matter, it was rarely criticized for its dominant role in the existing information order by the developing countries.

At the 18th General Conference in 1974, there was a call for practical action aimed at strengthening communication capabilities in developing countries in order to correct imbalances in the world flow of information. The Conference also discussed the first draft of the Mass Media Declaration but no decision was made.

At the 19th General Conference in 1976, sharp criticism of the Mass Media Declaration from the Western states and strong support of it from the Soviet bloc and developing countries was heard. To avoid a major confrontation, M'Bow tabled the draft Mass Media Declaration and established an intergovernmental commission to study the problems of international communications. This commission was the Intergovernmental Commission for the Study of Communication Problems, headed by Sean MacBride and more commonly known as the MacBride Commission. The Interim Report of the commission was presented at the 20th General Conference in 1978 and

had the effect of solidifying the legitimacy of the call for a NWIO. Also at this conference, the Mass Media Declaration was passed after an article suggesting control of a nation's media systems had been dropped. At the 21st General Conference in 1980, the MacBride Commission presented their Final Report. A resolution adopted unanimously, set out, based on recommendations of the Final Report, the aims and principles of the NWIO. At the 22nd General Conference in 1983, the General Assembly adopted a non-controversial resolution on international communication which encouraged further studies on communication, elimination of the obstacles to a free flow and wider and better balanced flow of information and the development of communication (UNESCO, 1983a).

The NWIO proposals embodied in the 1980 resolution represent the desire of developing countries to alter the existing regime regulating world information flow. The NWIO proposes, among other things, to establish the free flow and wider and better balanced flow of information (as opposed to only a free flow of information), remove internal obstacles to free flow and wider and better balanced flow of information (e.g., high telecommunication tariffs in developing countries), and remove external obstacles to a free flow and wider and better balanced flow of information (e.g., the system of allocating radio frequencies, the activities of transnational information monopolies). During the years of the NWIO debate, states took sides along ideological lines.

The primary concern for Western states was the preservation of the free flow of information doctrine. They argued that the NWIO would undermine the free flow of information, one principle upon which UNESCO was founded and which appears in the constitution of many nations. The free flow of information doctrine is viewed by the West as a fundamental right upon which all other rights are based. For example, a preambular paragraph in a draft resolution sponsored by the U.S. delegation to the 1983 UNESCO conference read:

> Noting that the free and unimpeded flow of information is crucial to freedom of speech, and for other fundamental freedoms such as the freedom to associate and freedom of religion, and can make substantial contribution to development.

Further, Western states feel that these rights are universal; that they are applicable in all places in all situations.

Developing countries felt that the inequalities in world flow of information were so great that a joint effort by a nation's government and its media system were required to create a more balanced flow of information. The "old" information order and the regime regulating that order were established by developed countries while the developing countries were still colonies. Thus, when colonies became independent, they found large inequalities between developed and developing countries in the area of information. Today the disparities remain. For example, in 1981, developed countries had 82.7% of the world's radio receivers, 88% of the world's television sets, 71% of the world's newspaper circulation, 92.7% of the world's telephones and consume 75% of the world's newsprint (Lee, 1981:91-92). On the qualitative level, developing countries claimed that the existing information order is based on values, priorities and needs that are not relevant to developing countries. Among the consequences of qualitative imbalances are that the world information flow is characterized by information imperialism by the developed countries and sensationalistic news coverage of the developing countries. The NWIO, developing countries claim, is basically an attempt to account for the needs of a world composed of many realities, cultures and societies (Savio, 1980:146).

The position taken in the debate by the Soviet bloc countries is similar in certain areas to the position taken by the developing countries. For example, the Soviet bloc condemns Western information imperialism, sensational news coverage of developing countries and the quantitative dominance of Western countries. But the issue with which the Soviet bloc is most concerned is the Western doctrine of free flow of information. Their position is summarized by two professors at the School of Journalism, Moscow University as follows:

> Absolute freedom to inform other countries irrespective of their desires compromises their freedom. To be consistent the defenders of absolute freedom would have to allow that other countries be free to admit this information -- or reject it (Androunous and Zassoursky, 1979:186)

The Soviet bloc bases their objections to the free flow of information on the legal principle of national sovereignty. The flow of information across national boundaries without the permission of the receiving state is regarded by the Soviet bloc as illegal interference in the internal affairs of sovereign states. Therefore, when the Soviet bloc countries sensed that developing countries were dissatisfied with the Western-dominated world flow of information, which is based on the free flow of information doctrine, they had no qualms about supporting the demands of developing countries for a NWIO or media system based on government and media cooperation.

The NWIO and International Law

The NWIO proposals are embodied in a UNESCO resolution and as such have no legal force upon any state. A resolution "is mainly to state a policy, which further on in the work of the organization, may develop into an international instrument of higher dignity" such as a declaration or convention (Eek, 1979:186-187). Thus the NWIO resolution is simply a statement of what should be international law not what the law actually is. How then, can the 1980 NWIO resolution become international law? Three ways in which this can happen will be discussed below.[8]

If the principles in the 1980 resolution become the actual practice of states over a period of time, the resolution could become part of international law as it becomes the customary practice of states. However, the duration of time required before a practice is considered customary, the existence of major versus minor inconsistencies in the practice of states and the notion of large amount of practice versus a small amount of practice are questions that add complications to the notion of customs as a source of international law.

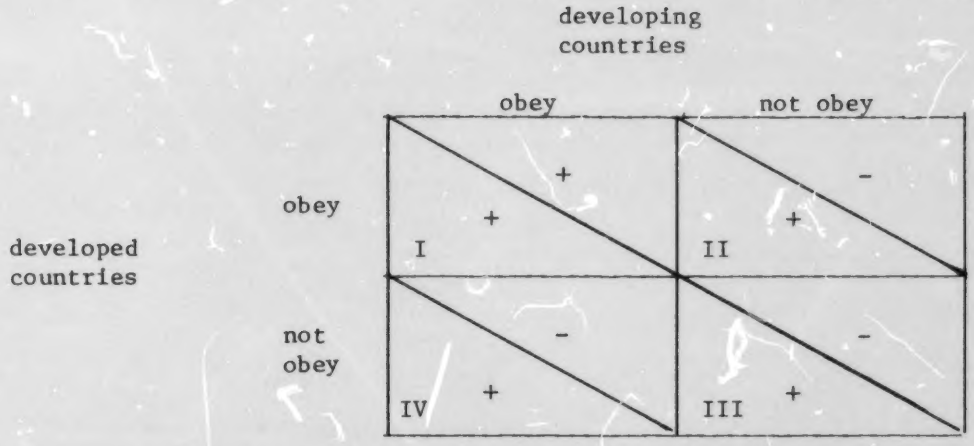
The NWIO resolution can become international law if bilateral treaties based on the NWIO resolution are created between states. Treaties lay down the rules by which a particular issue area will be regulated. In international law, treaties are binding upon the states that sign them. Therefore, states that sign a NWIO treaty agree to abide by the principles of a NWIO.

A convention, an intergovernmental treaty, based on the NWIO resolution, would establish the principles of the NWIO as international law. A convention is meant to be binding on states after ratification by states and after it comes into force. A UNESCO convention on a NWIO may be created if member states determine that the principles embodied in the NWIO resolution have become the accepted practice of states.

Besides UNESCO, conventions establishing information-related international law may be created in several other international organizations. The ITU, for example, holds World Administrative Radio Conferences (WARC) every 20 years at which the international laws regulating world telecommunications are revised to reflect the consensus of the international community. The Final Acts of the various WARCs, documents which all conference participants sign to indicate approval, are essentially conventions establishing international law. The United Nations General Assembly recently approved a resolution on the use of direct broadcast satellites (DBS) for international broadcasting (Broadcasting, Nov. 29, 1982:30). At some point, states may decide that the principles in the UN resolution on DBS have become the accepted practice of states and create a convention on DBS use. Other international organizations that may establish information-related international laws include the Universal Postal Union, the World Intellectual Property Organization, and the Intergovernmental Bureau of Informatics.

Assuming that the NWIO principles become part of international law, can states be expected to obey such laws and thereby replace the existing world information flow regime with a different regime? The hypothetical possibilities are represented

in the matrix below.



The quadrants are labeled I to IV and each is divided by a diagonal. The consequences (chiefly economic and political) for developing countries are above the diagonal and consequences for developed countries (also cheifly economic and political) are below the diagonal. A plus (+) means that as a function of whether countries obeyed the NWIO law or not, a set of countries (either developed or developing) will benefit from the action of the other countries. A minus (-) means that a set of countries will not benefit. Of course, there will be variations within sets of countries. Some in the developed set of countries will benefit more than others and some in the developing set of countries may suffer more than others in the set.

The most striking thing revealed by the matrix is that developed countries are likely to benefit whether they choose to obey or disobey future NWIO laws. In other words, the developed countries are so powerful in this issue area, they will have little or no motivation to obey laws that change the existing regime regulating international information flow.

In the matrix, quadrants II and III can be effectively ignored because developing countries are not likely to not obey future NWIO laws. This leaves us

to consider quadrants I and IV where developing countries will obey NWIO laws but developed countries may or may not obey NWIO laws. If we accept the argument that developed countries are not likely to obey future NWIO laws, the problem for developing countries will be to motivate developed countries to move from quadrant IV, where developing countries will receive little or no benefits despite compliance with NWIO laws and developed countries will receive most or all benefits despite non-conpliance with NWIO laws, to quadrant I, where both developed and developing countries will obey NWIO laws and both sets of countries will receive benefits. An added complication, however, is that in quadrant I the developed countries will receive fewer benefits relative to quadrant IV because benefits will have to be shared in quadrant I.

How could developing countries motivate developed countries to obey NWIO principles if they were to become part of the body of international law? One strategy to move developed countries to quadrant I is to broaden the developed countries' perception of their self-interests. If developed countries "no longer think only in terms of their very narrow self-interests but include the interests of others. . .they will be willing to make certain sacrifices. . ." (Russett and Sullivan, 1971:851). Developed countries must be convinced that there is a "higher interest" than their own self interest; that as the stronger countries, they have an obligation to watch for the interests of the weaker. Thus, the appeal would be that all countries should cooperate and benefit from a balanced world information flow. Or it could be argued that developed countries should obey NWIO laws because it will contribute to world order, which is desirable to both developed and developing countries. But, if developed countries continue to pursue their own self-interests under the regime they created to regulate world information flow and disobey NWIO laws, then developing countries will need an alternative course of action if they are to bring about a regime change.

The first step would be for developing countries to strengthen their own information-related capabilities and break their reliance on developed countries. If there were parity or near-parity between developed and developing countries in this issue area, developing countries could then effectively apply sanctions to countries that did not obey NWIO laws. For example, developing countries could apply retorsions or reprisals to developed countries that violate NWIO laws and cease information-related relationships with those countries. The developing country may want to deal with developed countries which obey the NWIO laws and with other developing countries.

Several strategies are available to developing countries that may wish to strengthen their information-related resources. The primary goal of these strategies is to increase the power of developing countries in the world information flow issue area. The assumption is that "as the power of states changes, the rules that comprise international regimes change accordingly" (Keohane and Nye, 1977:43). As developing countries gain more power in information-related areas, they can exert more influence in these areas and thereby facilitate the replacement of the existing information flow regime with one based on the NWIO principles. Four strategies that may help strengthen the information capabilities of developing countries are discussed below. The order of presentation does not reflect the superiority of one strategy over another.

The first strategy is to participate in the International Program for the Development of Communication (IPDC) which was proposed, ironically, by a developed country at the 21st General Conference of UNESCO. The IPDC, a thiry-five member intergovernmental council, was designed to be an "international clearinghouse for communication needs, resources and priorities" and to "gather and exchange information and arrange consultation in respect to improving communication systems and services in the developing areas" (Harley, 1981:150). In addition, it is charged with the responsibility of allocating

funds donated by the IPDC members to communication development projects approved by the council. As of March 31, 1981, the IPDC had received $3,887,141 in donations from 28 of the 35 member countries.[9] As of 1983, the IPDC had approved 3,139,000 for 76 communication projects in developing countries (Presstime, 1983:17). The advantage of participating in the IPDC is that developing countries can receive untied aid for strengthening their information capabilities and increasing their power in information-related areas. The disadvantage is that because donations are voluntary, member states that do not approve of specific projects can withhold their contributions until projects that meet their approval are proposed. Thus, the course of information-related development in developing countries can be indirectly determined by the wealthiest (usually the developed) nations.[10]

A second strategy is to promote more extensive regional exchanges of information. Developing countries should organize meetings, seminars, and training sessions in which they share information, experiences, and advice concerning ways to strengthen information capabilities at home. In essence, this strategy is suggesting the formation of "mini-IPDCs." Based on the information gained at these "mini-IPDCs," developing countries can institute policies and programs devoted to improving their information-related infrastructures, training qualified media professionals, and generally strengthening their information-related resources.

If developing countries cannot strengthen information-related resources on thier own, they should enter into cooperative ventures with other developing countries. They should pool their production facilities, production personnel and staffs, establish joint communication satellite projects, etc., to get the most of their existing resources. Using this strategy will enable developing countries to increase their resources through group action; in a sense, they will become information cartels that will be able to hold their own in the world flow of information.

Finally, developing countries should establish alternative sources of information so that they do not rely exclusively on sources located in developed countries. Two significant efforts in that direction have been in the area of news. At the regional level the Non-Aligned News Agency Pool (NANAP) distributes material collected from the national news agencies of several Non-Aligned countries. The material is lightly edited and sent out to more than forty participating members. The volume of daily news exchange is about 40,000 words per day (Anderson, 1981:338). At the international level, Inter Press Service (IPS) provides a Spanish- and English-language sevice which disseminates news relating to developing countries. Together, the IPS services disseminate about 50,000 words per day. Although NANAP and IPS provide an important alternative to news agencies of the developed countries (e.g., AP, UPI, AFP, Reuters, TASS) a recent study of the use of these and other alternative services revealed that they are infrequently used (Ogan, Fair and Shah, forthcoming). Developing countries need to establish alternative sources in other areas of information, such as television programming, as well. But, if this strategy is to work, the developing countries must use the alternative sources of information.

Conclusion

Use of the strategies outlined above may be what developing countries need to gain strength in information-related resources. With this new strength, developing countries can make a crack in the existing regime regulating world information flow. Once there is a crack, and it starts to grow, developing countries will begin to accumulate more and more power, relative to the developed countries, in the world information flow issue area. And as the developing countries become more powerful, developed countries are likely to become more sensitive to changes and fluctuations of information-related resources held by the developing countries (Keohane and Nye, 1977:12-15). By this it is meant that changes in information-related resources in developing countries may result in costly changes

and effects in developed countries. When (and if) such a situation comes about, developed countries are likely to cooperate with developing countries to form an information flow regime, comprised of international law based on NWIO principles, from which both developed and developing countries benefit from a New World Information Order.

NOTES

[1]The developed countries, for the purposes of this paper, are the U.S., those in Western Europe, Japan, Australia and the USSR.

[2]For a detailed presentation of the arguments supporting a NWIO see, Mustapha Masmoudi, "A New World Information Order," paper No. 31 prepared for the International Commission for the Study of Communication Problems.

[3]Evidence of the radio spectrum being treated as res communis, is found in an article by John Howkins (1979) about the early years of radio spectrum management:

> The procedure was simple. Users notified the union (ITU) about the frequencies which they were already using or wished to use and the union registered these in its master list (and) the user (then) had a squatter's right to a specific frequency.

Obviously, this first-come, first-served basis did not consider the limited nature of the radio spectrum.

[4]See Matte (1982), pp. 103-106 for an extended discussion on the regulation of geostationary satellites.

[5]See Final Acts of the World Administrative Radio Conference (1979). Resolution BP is reprinted in Rothblatt (1982a), p. 14, note 69.

[6]For example, in 1977, the cost of sending one word via press telegram from developed areas to developing areas of the world averaged 8.90 cents per word, while the cost in the other direction averaged 12.72 cents per word (UNESCO, 1977).

[7]For example, TASS, the Soviet news agency, has 325 foreign subscribers and employs about 200 foreign correspondents who cover about 120 countries.

[8]The information is drawn from Akehurst (1982) and from Eek (1979).

[9]See Annex 1 in the Report of the Intergovernmental Council of the International Program for the Development of Communication, 1981-1983 (UNESCO, 1983c).

[10]For example, a recent IPDC meeting in Tashkent, USSR, the U.S. pledged $850,000 for IPDC projects in 1984 but said the money could be spent only on projects approved by the U.S. government (Presstime, 1981:17).

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